

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814

November 11, 1983

To: All County Welfare Directors

Letter No. 83-69

LOPEZ VS. HECKLER

This letter is to inform county welfare departments that on June 16, 1983, the United States District Court issued a preliminary injunction against the Social Security Administration (SSA) in the Lopez vs. Heckler lawsuit.

As a result of this suit, any disabled SSI/SSP individual who has been discontinued from SSI/SSP due to cessation of disability after August 30, 1981 (or August 25, 1980, if the individual was receiving state public assistance payments before July 1, 1973), may request to have his/her SSI/SSP benefits reinstated by SSA if the individual believes that his/her medical condition has not improved since initial entitlement. If SSI/SSP reinstatement is requested, the individuals involved are entitled to a Medi-Cal card only from the month of application forward; there is no retroactivity to the court order. Approval of SSI/SSP benefits due to the Lopez case decision will be indicated on Form SSA-L8052-U2 (Attachment I). The individual must show this form as proof of eligibility in order to receive a Medi-Cal card.

For MEDS counties, the Medi-Cal card can be issued via the online terminals. For Non-MEDS counties, the Medi-Cal card will have to be manually prepared.

It is anticipated that the county welfare departments will only be required to issue the initial Medi-Cal card for each individual who is requesting reinstatement.

Ongoing card issuance will be processed through the normal SSI/SSP card issuance channels. The SSA has estimated that this reinstatement procedure will involve approximately 150 individuals for each large county.

If you have any questions, please contact Connie Farmer of my staff at (916) 445-1912.

Sincerely,

ORIGINAL SIGNED BY

Caroline Cabias, Chief
Eligibility Branch

Attachment

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Supplemental Security Income Notice

From: Department of Health and Human Services
Social Security Administration

Date:

Social Security Number:

Due to a recent court decision the Social Security Administration is required to notify individuals residing in the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon or Washington or in Guam, American Samoa or the Northern Mariana Islands:

- Whose Social Security disability benefits were stopped after August 30, 1981 (or August 25, 1980, if the individual was receiving State public assistance payments before July 1, 1973); and
- Whose benefits were not stopped because of reasons unrelated to current disability or medical improvement such as return to work; and
- Who believe that his or her medical condition has not improved since he or she started getting Social Security payments based on disability;
- Who do not qualify as class members under the Morrison, Doe and Decker v. Heckler; or Siedlecki et. al. v. Heckler; or Ramirez et. al. v. Heckler court orders.

Since your claim may meet the above requirements and you have applied to have your monthly payments restarted, we will make payments to you for _____ on. We will review the information in your claims folder to be sure you meet all the conditions. If you do not, these interim payments will stop and you will be asked to pay this money back. However, you will have the right to ask that you not be required to pay it back.

These interim payments will continue, unless you elect otherwise, until after a decision is made following the reopening of your case or until we determine you do not meet the conditions listed above.

If you receive a favorable decision, your payments will be converted from interim payments to regular Social Security Disability Benefits/Supplemental Security Benefits. If we discover that the interim payments were higher than your regular benefits this amount will be subject to recovery from your future Social Security/Supplemental Security benefit checks. You will be notified of the amount of the overpayment and given the opportunity to appeal or request waiver. If we discover that your regular benefit amount is higher than the interim payments, we will pay the difference.

If you receive an unfavorable decision, interim payments will stop, and the interim payments you have received will constitute an overpayment. You will be notified of the amount of the overpayment and given the opportunity to appeal.

If you do not begin to receive the special interim payments within 3 weeks of the date of this letter, you should contact any Social Security office. You should also contact any Social Security office if you do not wish to receive these special interim payments while you are awaiting a decision in your case.

If you have any questions about your claim, you may get in touch with any Social Security office. Most questions can be handled by telephone or mail. If you visit an office, however, please take this notice with you.